

ALAN R. BRAYTON, ESQ., S.B. #73685
LLOYD F. LEROY, ESQ., S.B. #203502
RICHARD M. GRANT, ESQ., S.B. #55677
BRAYTON ♦ PURCELL LLP
ATTORNEYS AT LAW
222 Rush Landing Road
P.O. Box 6169
Novato, California 94948-6169
(415) 898-1555

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

HARRY LEMASTER and CAROLYN
LEMASTER,

Plaintiffs,

vs.

ALLIS-CHALMERS CORPORATION
PRODUCT LIABILITY TRUST, et al.,

Defendants.

No. C08-3316 PJH

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO REMAND**

Date: September 17, 2008
Time: 9:00 a.m.
Dept: 3, 17th Floor

Having considered the papers and arguments submitted in support and in opposition to plaintiffs' Motion to Remand Case to the California Superior Court, County of San Francisco, and good cause appearing:

IT IS HEREBY ORDERED that the Motion is GRANTED and this case is REMANDED to the Superior Court of the State of California, County of San Francisco, Case No. CGC-08-274669. The Clerk shall send a certified copy of this Order to the Clerk of the California Superior Court, and that Court may thereupon proceed with the case. Plaintiffs' are awarded their costs and attorneys' fees pursuant to 28 U.S.C. section 1447(c).

IT IS SO ORDERED.

Dated: _____

Honorable Phyllis J. Hamilton
UNITED STATES DISTRICT JUDGE